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TAGS: [PBTS](#) [PTER](#) [PHSA](#) [KCRM](#) [EWWT](#) [MOPS](#) [KPAL](#) [PREL](#) [MARR](#)
SP
SUBJECT: DEMARCHE RESPONSE: SPANISH PARTICIPATION IN
CONTACT GROUP ON SOMALI PIRACY, GAZA MEETINGS

REF: A. STATE 1223
[B](#). MULL-CHACON E-MAILS
[C](#). MADRID 1303

Classified By: Political Counselor William H. Duncan, for reasons
1.4 (b) and (d).

[1](#)1. (C) Spanish MFA officials took under advisement invitations and discussion materials (ref A) for GOS participation in New York meetings on combating piracy off the Horn of Africa. MFA's Director General of Strategic Affairs and Terrorism, Carmen Bujan, will represent Spain at the Contact Group on Somali Piracy (CGSP) meetings January 13-14 and also plans to attend the core group preparatory coordination meeting on January 13 at 3:30 p.m. at the German Mission to the United Nations. She may be accompanied by a member of Spain's Mission to the United Nations. MFA's Julio Nunez Montesina told Pol-MilOff on January 12 that he had received from the Spanish Embassy in Washington a copy of the CGSP draft communique, along with the lists of focus areas and questions for discussion, which he intended to brief to Bujan before her January 12 departure for New York. He had no substantive response to the draft statement. Nor would Nunez speculate regarding potential Spanish leadership of one of the six working groups. As for Spain's potential areas of interest, he said it would be "logical" for the GOS to work on Focus Area 1, improving operational and intelligence support (ref A), as well as the counter-piracy coordination mechanism (area 2), because Spain will participate militarily in counter-piracy efforts within the EU context.

[1](#)2. (C) Asked about progress on the judicial track (area 3) for prosecuting any pirates that might be apprehended, Nunez conceded Spain's penal code is undergoing revision but was certain piracy would be included as a punishable crime by the end of 2009. In the meantime, even if Spanish courts have jurisdiction over detained pirates, since piracy is not yet spelled out in Spanish law, Nunez suggested Spanish authorities would either be forced to free detained pirates without charging them or turn them over to a country that could prosecute them. Nunez stated the EU was still working, along with Kenya and Djibouti, to identify such countries but that there was no definitive solution as yet.

[1](#)3. (C) Regarding the informal brainstorming session on interdicting arms flows into Gaza (ref B), MFA's Julio Nunez Montesina promised to pass the invitation to Bujan. Nunez noted that although Bujan works on disarmament and will attend the CGSP and core group preparatory meetings, she may or may not participate in the Gaza discussion. Nunez asked about other invitees to the side meeting on Gaza. He said he

was not sure who might attend for the GOS, if anyone, but promised to notify Post as soon as he had additional information. MFA expressed considerable interest in who else had been invited to both the CGSP and the smaller preparatory meeting, as well as the side meeting on Gaza (ref B).

AGUIRRE